APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,175	12/13/2000	Theodore F. Rabenko	36900/CAG/B600	8414

23363	7590	08/23/2005

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EXAMINER
HARPER, KEVIN C

ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 March 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _18-29_ is/are allowed.

6)☒ Claim(s) _1-3,5 and 11_ is/are rejected.

7)☒ Claim(s) _4,6-10 and 12-17_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Arguments

Applicant's arguments filed March 21, 2005 have been fully considered but they are not

persuasive.

1.   Applicant argued that Kao does not disclose data control flags. However, the clock

signal transmitted is used to control data reception at the receiver (col. 3, line 67 through col. 4,

line 4).

2.   Applicant argued that that Kao does not fractionally resample the data. However, in the

present invention, resampling is considered to be decimation and interpolation (spec., page 50,

lines 14-16). In Kao, the fractional resampling is performed by generally as decimation (col. 4,

lines 7-10) and interpolation (col. 4, lines 15-20), where a certain percentage of samples are

added or removed.

Drawings

Replacement drawings were received on March 21, 2005. These drawings are

acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kao

(US 4,815,109).

3.   Regarding claim 1, Kao discloses a method of synchronizing data sampled by a first

clock (fig. 2, item 14) to a second clock (item 54). The method comprises generating a clock

error signal (SLIP signal from slip detector; col. 3, line 67 through col. 4, line 1) as a function of

a data control flag (DERIVED CLKA; col. 3, lines 57-59) and fractionally resampling the data as

a function of the clock error signal (col. 4, lines 1-4 and 7-20; col. 8, lines 1-3; fig. 5B, items 176

and 178; note: a percentage of samples are added or removed to provide fractional resampling of

the signal; col. 5, lines 57-62).

4.   Regarding claim 2, the data comprises voice (abstract, lines 1-6; col. 8, line 55).

5.   Regarding claim 3, the data receive flag (fig. 4, CLKA) is periodically generated as a

function of the first clock (col. 3, lines 57-58) and a data complete flag (fig. 4, CLK2) is

periodically generated as a function of a second clock (col. 3, lines 59-64), where the clock error

signal is generated as a function of the data received flag and data complete flag (col. 3, line 67

through col. 4, line 1).

6.   Regarding claim 5, the data is sampled with a first clock and received data is partitioned

into data packets (abstract, lines 1-6; col. 1, lines 37-41 and 42-45), where the data received flag

is generated upon receipt of each of the data packets (col. 1, lines 42-45; col. 1, lines 20-37).

7.   Regarding claim 11, Kao discloses a synchronization circuit (fig. 2, item 52; fig. 3)

comprising an error generation unit (fig. 2, item 50) that generates a clock error signal (fig. 2,

SLIP) as a function of an average far end sampling rate (col. 1, lines 23-25) and a near end

sampling rate (col. 1, lines 49-53), and a sample tracker (fig. 2, item 52) for receiving sampled

data packets (col. 1, lines 25-30 and 42-45) and fractionally resampling the sampled data as a

function of the clock error signal (col. 4, lines 1-4; col. 3, lines 64-66; col. 1, lines 49-53).

Allowable Subject Matter

8.   Claims 18-29 are allowed.

9.   Claims 4, 6-10 and 12-17 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

Conclusion

        THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The

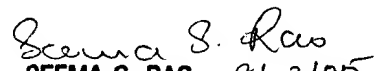examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the

Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax

number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications associated with a customer number is available through Private PAIR only. For

more information about the PAIR system, see portal.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

Kevin C. Harper

August 21, 2005

SEEMA S. RAO   8/23/05
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600